

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

RECEIVED

United States District Court		District	2007 SEP 14 P 12:00
Name (under which you were convicted): Ricky Wade Murphree		Docket or Case No.: DEBRA P. HACKETT, CLK U.S. DISTRICT COURT MIDDLE DISTRICT ALA	
Place of Confinement:		Prisoner No.:	
Petitioner (include the name under which you were convicted) Ricky W. Murphree		Respondent (authorized person having custody of petitioner) State of Alabama	
The Attorney General of the State of Alabama			

PETITION

2:07CV832-MHT

- (a) Name and location of court that entered the judgment of conviction you are challenging: _____
Antauga County Circuit Court,
Prattville, Alabama
- (b) Criminal docket or case number (if you know): _____
- (a) Date of the judgment of conviction (if you know): _____
- (b) Date of sentencing: August 25, 1998
- Length of sentence: 1 year and 1 day Split
- In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
- Identify all crimes of which you were convicted and sentenced in this case: _____
Criminal Mischief I
- (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

Until Coerced

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

Plead Not Guilty to Criminal Mischief I
Until Coerced to plead Guilty.
(Was advised by Att. David Zimmerman to plead to a Misdemeanor).

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

No trial

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

Was not allowed to - ever!

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

(Direct Appeal)

9. If you did appeal, answer the following:

(a) Name of court:

Court of Criminal Appeals

(b) Docket or case number (if you know):

CR-97-2376 (2376)

(c) Result:

Trial Court affirmed

(d) Date of result (if you know):

April 30, 1999

(e) Citation to the case (if you know):

(f) Grounds raised: Trial Court abused discretion in not allowing me a hearing
on my mental condition at time of offense charged; (was raised in timely
manner B4 sentencing; Coercion was raised; Medical
records were shown to Judge Reynolds, - Due Process was
denied; Evidence was raised of abuse to me by brothers (Unequal protection
(Raised again Feb 10, 1999 + May 14, 99). Defective Indictment of Law).

(g) Did you seek further review by a higher state court? Yes ☒ No ☐

If yes, answer the following:

(1) Name of court:

Alabama Supreme Court (Writ of Certiorari)

(2) Docket or case number (if you know):

1981619

(3) Result:

Affirmed trial court ★ NO OPINION!!

(4) Date of result (if you know):

10/15/1999

(5) Citation to the case (if you know):

Bui vs State, Griffith vs. State, Ware vs. State,

(6) Grounds raised:

I plead not guilty in arraignment (Feb 20, 1998)
"Unequal Protection of Law" - brothers assaulted + harassed - page 4)
had family members trespassed off by deputy (page 4) -
(Stay off property or face prosecution for trespass (page 5).
(Coercion - page 7), Mental Disease or Defect plea was
denied although evidence was on the record - Dr's Names
were presented. "C.J.S. Criminal Law Section 421 (3) (1961)

Dobyns v. State
Robinson v. State
Wharton v. State
Code of Ala., 1975
Section
13A-3-1 (a)
Code of Ala.,
1975, Section
15-16-2

(page 9 of Writ of Certiorari - COERCION) -

in where the evidence, as to whether the plea was entered through
FEAR, DURESS, MISUNDERSTANDING, OR IMPROPER INFLUENCE., the
better practice is to permit the plea to be withdrawn.

Bob Martin,
Attorney on
Appeal raised
the ground
of mental
disease or
defect, which
rendered me
incapable of
understanding
the consequences
(at time of
offense and
at time of
guilty plea

Also Reply
Brief was
filed

Feb. 10,
1999
Reply
Brief
Appellate
for
Rehearing
5/14/99

Page 4

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

Could not afford the 300 dollar fee.

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

along With Direct Appeal

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

1) Alabama Court of Criminal Appeals + 2) Ala. Supreme Ct.

(2) Docket or case number (if you know):

CR-97-2376 + 2) 1981619

(3) Date of filing (if you know):

1) 6/3/99 2) July 3, 99

(4) Nature of the proceeding:

1) Copies of Medical Records sent on behalf of me by wife

(5) Grounds raised:

2) Supplemental brief of corrected dates + facts (to Bob Martins filing)

See paper entitled "Supplement to Habeas, page 4, Section # 11 (5)"

★ EXTRA ENCLOSURE

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

Affirmed lower court

(7) Result:

Affirmed Lower Court

(8) Date of result (if you know):

April 30, 1999 + 10/15/99

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court:

Middle District of Alabama, Montgomery

(2) Docket or case number (if you know):

99T-1356-N

(3) Date of filing (if you know):

November 14, 1999

(4) Nature of the proceeding:

Habeas Corpus

(5) Grounds raised:

1) Guilty Plea by Coercion; 2) Trial Court Colloquy didn't comply with AR GP; 3) Ineffective Assistance; 4) Defective Indictment; 5) non representation of Attorney within 30 days of arrest;

These 2 briefs in support of, were filed during Direct Appeal

Next step Federal Habeas

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☒ No ☐

(7) Result:

(8) Date of result (if you know):

Case dismissed so I could exhaust State Remedies (without Prejudice) -

Feb. 2, 2000

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

1) Denied Preliminary Hearing; 2) Judge's Colloquy Not Compliant; 3) Conviction Obtained by Coercion; 4) Unethical behavior Between Sheriff + Judge; 5) False Charge on Record; 6) Ineffective Ass. of Counsel; 7) Unequal Protection of Law; 8) Defective Indictment; 9) Newly discovered Facts.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

Denied

September 12, 2000

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition:

Yes ☒ No ☐

(2) Second petition:

Yes ☒ No ☐

(3) Third petition:

Yes ☒ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

had filed a writ of Mandamus ordering the lower court (Court of Appeals) to make rulings on several issues they refused to address.

filed Rule 32 - proceeded through all channels but ran out of time to file Writ of Certiorari Due to waiting of a ruling for Writ of Mandamus

★ See Additional Courts + Appeals / Dates for 1st Rule 32 + 2nd Habeas in Federal Courts - Before proceeding to this Petitions' Page # 6

PLEASE NOTE: Pages 10-13 are in reference to this Specific Appeal.

Page 6

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

The following is in reference to the 4 issues Granted Certificate of Appealability
 CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

Coercion

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

This court denied a Certificate of Appealability.
 11th Circuit Granted a Certificate of Appealability on this specific issue (as well as 3 others) - however stated we had not exhausted state remedies.

FACT: The 4 issues 11th Circuit granted a Cert. of Appealability for, WERE exhausted on Direct Appeal in 1998 + 1999.

(b) If you did not exhaust your state remedies on Ground One, explain why:

They WERE Exhausted in Direct Appeal

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Rule 32

Name and location of the court where the motion or petition was filed:

Autauga County Circuit Court, Prattville, Ala.

Docket or case number (if you know):

Date of the court's decision:

The following were all exhausted on Direct Appeal

(7)

PLEASE NOTE ADDITIONAL PAGES OF ISSUES FROM RULE 32 ON APPEAL WITH THIS PILING PAGES "10-13" of EXHIBITS

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Ala. Court of Criminal
Appeal

Docket or case number (if you know):

CR-97-2376

Date of the court's decision:

4/30/99

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

Direct

Reply Brief, The thorough process -
Appeal, Application for Rehearing, Petition for
Writ of Certiorari, 2 motions in support of

GROUND TWO:

Mental Disease of Defect - Denied (Attorney
failed to + refused to enter this plea until 2nd Attorney was hired

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Court App. Attorney, David Zimmerman filed incorrect
+ OLD Arraignment + plea papers which did not state
I could plea "Not Guilty by Reason of Mental Disease or
Defect". Judge also left this off his Colloquy.

2nd Attorney, that I hired, requested Mental Health hearings,
entered Plea of Not Guilty by reason of Mental Disease of Defect,
and Judge denied both the right to change my
Coerced Plea, as well as denied me a Mental
Health hearing.

(11th Circuit granted Certificate of Appealability on this
issue as well as 30 others).

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

I DID on Direct Appeal

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed: Autauga County Circuit Court, Prattville, Ala.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): Denied

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Ala. Court of Criminal Appeals, Montgomery, Ala.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): Denied

Lower Court upheld

(This Court did not make a ruling on all issues presented).

(Same proceeding wherein 25 witnesses were subpoenaed & I failed to show - Judge refused to find them in contempt of court)

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: Direct Appeal, Reply Brief, Petition for Rehearing,

Petition for Certiorari Review, & 2 Supplemental Briefs in Support of

③

GROUND THREE:

Defective Indictment

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Indictment was incorrect - 11th Circuit granted a Certificate of Appealability on this issue in 2nd Habeas Appeal of the Middle District - however ended ruling that issue had not been exhausted in 1st Rule 32.

FACT! ISSUE WAS EXHAUSTED IN DIRECT APPEAL in 1998+99

(b) If you did not exhaust your state remedies on Ground Three, explain why:

IT WAS EXHAUSTED!!

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed:

Antauga County Circuit Court, Prattville, Ala.

(Same court where I made 4 motions to have Judge Sibby Reynolds recused, & he refused 4 times) -

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

was not allowed all by subpoenaed witnesses. I refused to show.

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Ala. Court of Criminal Appeal,
Mont, Ala.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: Reply Brief (which was

filed but refused to apply — because Court said I
had Attor. although she was fired — I was
denied Due Process Without my Reply brief issues —

GROUND FOUR: Unequal Protection of the Law

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I was harassed on my own property by my brothers
several times & brother (Chuck) was criminally
trespassing after being warned off by a deputy —
Courts presented me but refused to do ANYTHING
to either brother — although they
were trespassing — tape recordings of
them Grant Clerk stating NO Warrants on the
brothers.

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed: Autauga County
Circuit Court, Prattville, Ala.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Ala. Court of Criminal
Appeals

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Exhausted Remedies!!

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: Direct Appeals —

thorough process, + Rule 32 — Appeals

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☒ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

NO

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

2 Habeases (Both of which were
ruled NON EXHAUSTION OF STATE REMEDIES)
although the 4 issues granted
by the 11th Circuit in the Certificate of
Appealability WERE EXHAUSTED IN
DIRECT APPEAL.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: WAS NOT ALLOWED ONE

(b) At arraignment and plea: DAVID ZIMMERMAN, (Court-App.)

(c) At trial: WAS NONE

(d) At sentencing: Robert Martin,

(e) On appeal: Robert Martin,

(f) In any post-conviction proceeding: (denied Att. at first) Kimberly Griffin, Rule 32
Lee Shultz - Rule 32 Appeal

(g) On appeal from any ruling against you in a post-conviction proceeding: Lee Shultz

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒ Am still under a felony conviction.

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I have followed the Appeals Processes consistently since 1998 - The 2nd Habeas in Federal Court took almost 3 years to complete. A second Rule 32 was filed wherein my EXHIBITS disappeared from the Court house file, I was denied a hearing as well as my petition, it was completed through all the appeals processes, I am filing this petition within one year of the last proceedure in State Court.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: A new trial

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

*Informa
Pauper's*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this
Petition for Writ of Habeas Corpus ~~was placed in the prison mailing system on~~ was hand-
delivered (month, date, year):

Executed (signed) on Sept. 14, 2007 (date).

Ricky W. Murphree
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing
this petition. _____

PRO SE

Ricky Murphree
1981 Amber Rose Dr.
Prattville, Ala. 36067
334-365-3617

Supplement to Habeas, page 4, Section # 11(5)

Grounds Raised: In Supreme Ct. July 3, 1999.

⇒ ① Defective Indictment - Code of Ala. 13-2-100)
Indictment Form 98 - Trespass after Warning -
(Concerning Unequal Protection of Law with brothers
abusing me on my own property).

⇒ Code of Alabama 13A-3-1 (Mental Disease or ^{Defect})

⇒ Code of Alabama 13A-3-20 (Duress)

Kelly vs State, 1968

U.S. Constitution, Code 42, 1986

Medical Experts in my Case

Helen Burdett, LPC, Mental Health Therapist

Mrs. Casu, Mont. Area Mental Health Psychiatrist

George Clare - Autauga County Mental Health Therapist

Danny Ingram - Family Physician

Karl Kirkland - Ph.D. Clinical Psychologist

Fred Lerner, Scientist on P.T.S.D.

Roy N. Pasker, Mont. Area Mental Health Psychiatrist

Carol Skelton, Ph.D. Licensed Psychologist who
Administered Minnesota Multiphasic
Personality Inventory Test - 2

Montgomery Area Mental Health Authority

CAT Thomas, M.S. LPC, Director Access,

Montgomery Area Mental Health Authority

Supplement to Habeas, page 4, Section #11 (5)
Continued...

② Coercion (page 2, 3, 5, 6,

3) Unequal Protection of Law - brother trespassing
after warning - page 3, 4, 8,
9, 10

④ Mental Disease or Defect 3, 5, 7,

Ricky W. Murphy

EXHIBIT LIST FILED WITH 2nd

Rule 32
Appealing Now, here

DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL

My "Pro Se" NOTICE OF APPEAL makes documentation to the issues that I was appealing and showed my INTENT TO APPEAL.

SEE: EXHIBIT ONE

"Notice of Appeal"

Lee Shultz was appointed Attorney of Record for my appeal. She neglected to list and address the following 3 issues in my appeal, although they are clearly listed in my Pro Se Notice of Appeal!!! This neglect, therefore, caused these issues to be PROCEDURALLY BARRED.

- 1) Ineffective Assistance by prior attorneys;
- 2) Defective Indictment;
- 3) Coercion.

SEE: EXHIBIT TWO

"Magistrate Federal Judge, Susan Russ Walker's RECOMMENDATION, pages 4 & 5." (Habeas).

Lee Shultz saw no reason to file a reply brief to the Attorney General's brief so I was put in the position to have to file my own reply brief, in order to get my issues on the record. I fired Ms. Shultz for her neglect as documented in my firing letter.

SEE: EXHIBIT THREE

"Letter from Lee Shultz"

SEE: EXHIBIT FOUR

"Firing letter of Lee Shultz"

Lee Shultz's Ineffectiveness and NEGLECT, PREJUDICED me throughout my Rule 32 Appeal, throughout the Alabama Court of Criminal Appeal's, throughout the Alabama Supreme Court and throughout my 2nd Habeas in Federal Court. My issues were barred procedurally, and therefore the EXHAUSTION OF STATE REMEDIES WAS IMPOSSIBLE!

Ruby Murphree

EXHIBIT
ONEEXHIBITS ONE
THROUGH FOURPertain to 2nd
Rule 32NOTICE OF APPEAL

Comes now Ricky Murphree, before the Autauga County Circuit Court, Alabama, to give notice of appeal for case #CC-98-124.60, taken to the Alabama Court of Criminal Appeals.

Ricky Murphree is appealing the following:

1) Judge Reynold's order, dated September 12, 2000 and filed on September 14, 2000, wherein he denied several claims of relief in a Rule 32 Petition.

- a.) Motion for Judge Reynolds to recuse himself (Denied)
- b.) Denial of Effective Assistance of Counsel (barred)
- c.) Newly discovered facts (denied)
- d.) Defective Indictment (fails)
- e.) Equal Protection of the law (fails)
- f.) False and slanderous charge on record (fails)
- g.) Conviction obtained by coercion (fails)

FILED
JOSEY
CRIMINAL DIVISION

OCT 12 AM 11:42

FILED
CRIMINAL DIVISION
AUGUST 14, 2007

2) Judge Reynold's refusal to address in his order the following claims for relief stated in the Rule 32 Petition:

- a.) Denial of Preliminary Hearing
- b.) Judge Reynold's Colloquoy was not compliant (according to transcript by court reporter)
- c.) Judge Reynold's Unethical behavior with sheriff in participating in EX PARTE meetings prior and during proceedings of Ricky Murphree.

EXHIBIT
TWO

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

RICKY WADE MURPHREE,

Petitioner,

v.

DEPARTMENT OF PARDONS and
PAROLES, *et al.*,

Respondents.

CIVIL ACTION NO. 01-T-1166-N

RECOMMENDATION OF THE MAGISTRATE JUDGE

I. Introduction and Procedural History

On October 3, 2001, the petitioner filed a 28 U.S.C. § 2254 petition for writ of habeas corpus attacking his 1997 conviction for criminal mischief entered against him by the Circuit Court of Autauga County, Alabama. He was sentenced to one year and one day of imprisonment. The petitioner's sentence was split and he was ordered to serve six months of imprisonment and two years of probation.

The petitioner appealed¹ and on April 30, 1999, the Alabama Court of Criminal Appeals affirmed the petitioner's conviction. On October 15, 1999, the Alabama Supreme Court denied the petitioner's application for a writ of certiorari. On November 15, 1999,

¹On direct appeal, the petitioner claimed that the trial court abused its discretion and violated his right to due process by refusing to conduct a hearing or allow him to withdraw his guilty plea based on his mental condition at the time of the offense charged. *See Attachment to Petitioner's Response dated May 9, 2002 (Doc. #24).*

the Alabama Rules of Criminal Procedure, he fails to state a federal claim upon which habeas relief can be granted. The state court's interpretation of its own laws and rules provides no basis for federal habeas relief. *Beverly v. Jones*, 854 F.2d 412 (11th Cir. 1988).

B. Americans with Disabilities Act

The petitioner maintains that the trial court violated the Americans with Disabilities Act. However, the petitioner's contention is not a challenge to his conviction and provides no basis for federal habeas relief. *See* 28 U.S.C. § 2254.

C. Procedurally Defaulted Claims

The petitioner's claim that counsel was ineffective for causing his claims to be procedurally defaulted was never presented to the state courts. This claim is therefore procedurally defaulted. *See Teague v. Lane*, 489 U.S. 288 (1989); *Bailey v. Nagle*, 172 F.3d 1299, 1303 (11th Cir. 1999).

The petitioner's remaining claims of ineffective assistance of counsel and his claim that the indictment was defective were not properly raised on appeal of the denial of his Rule 32 petition. Although the petitioner raised these claims in a reply brief, the claims were not raised in the initial brief filed by appellate counsel. *See Baker v. State*, 683 So.2d 1, 4 (Ala.Crim.App. 1995) (An appellate court will not consider a *pro se* appellate brief when an appellant has an attorney). Therefore, these ineffectiveness claims are

EXHIBIT
THREE

*Law Offices of
Lee R. Shultz
155 W. College Street
Post Office Box 240338
Eclectic, Alabama 36024-0338
Telephone (334) 541-2090*

April 27, 2001

Mr. Ricky Murphree
1981 Amber Rose Drive
Prattville, Alabama 36067

RE: Ricky Murphree v. State of Alabama

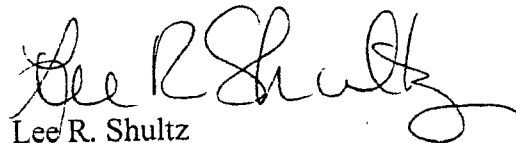
Dear Mr. Murphree:

I spoke with Sonya in the Clerk's Office of the Court of Criminal Appeals. She stated to me that you had been in contact with the Clerk's office and needed a copy of the Appellee's brief and you could not get in touch with me. I have not received any messages from you and my answering machine and voice mail are working properly. I received the enclosed letter from the Clerk's office yesterday and received a copy of the enclosed Appellee's brief in the mail today.

I have quickly reviewed the appellee's brief and did not find anything that I feel I need to respond to in another brief. Please review it and let me know if you feel I should respond to anything that I did not address in the initial brief. I will also review it again myself.

Let me know something. Thank you for your help.

Sincerely,


Lee R. Shultz

/lrs
enclosures

EXHIBIT
FOUR

May 8, 2001

Lee R. Shultz, Esq.
P.O. Box 240338
Eclectic, Ala. 36024

Dear Ms. Shultz:

Since you stated that you can see no reason to answer the Attorney General's Brief to the Court of Criminal Appeals, and since you stated in Appellant's brief that some of my issues had no merit, instead of finding case law to substantiate the merit, it is apparent that I will no longer be needing your services.

Thank you for the time you have invested in my case, and good luck to you in the future.

Sincerely,

Ricky Murphree

Ricky Murphree
1981 Amber Rose Drive
Prattville, Ala. 36067
334-365-3617

cc: Court of Criminal Appeals
Attorney General, Bill Pryor

1st Rule 32 Extra Information & Filings

Documents pages
1-9
Pertain to 1st
Rule 32 filings

- 4 Motions for Judge Reynolds to Recuse
 4/26/00, (denied 5/12/00)
 5/30/00 (denied 6/6/00)
 9/12/00 (motion made in Court by Attorney Kimberly Griffin for Reynolds to recuse — & Judge's denial).
- 4th Motion to Recuse was between 10/31/00 & 11/27/00 when an Emergency petition for Writ of Mandamus was filed.

1st Motions & Filings in Rule 32 Case.

- Rule 32 Petition filed 4/26/00
- Motion to Request Court-Appointed Attorney, filed 6/21/00
- Motion For Judgment of Default Against Respondents filed 6/21/00
- Judge set Petition & Default Motions for Court Day - 9-12-00 6/22/00
- Motion to Appoint Counsel - DENIED 6/28/00
- Motion to Reconsider Denial of Counsel 7/5/00
- Motion for "Judge's Determination as to the Protection of Indigent Petitioner's Rights in Hearing According to Alabama Rules of Criminal Procedure - Determination is Required" Filed 8/7/00

②

→ Objection to "Undated" State's Answer 8/16/00
by Sam Partridge, FILED

(This was where the state went a
couple months or more (3½ months)
before filing an answer. No request
on file was made by the State for
an "Extension of Time".

Dates (Filed) 4/26/00 — Answer (undecipherable)
between 8/7/00 + 8/16/00. — over 3 mos.

→ Judge finally Appoints Attorney (Kim Griffin) 8/24/00

→ 9/12/00 Rule 32 Hearing Held, 9 subpoenaed
witnesses failed to appear. Oral Motion by
Attorney to have Reynolds recuse/denied. Judge
didn't make ruling on "Motion for Default" as
he had previously set up on 6/22/00 - and
therefore WAS OFF THE RECORD.

→ Attorney Griffin made "REQUEST FOR RULING on
Default" FILED 9/22/00

→ Judge denied Request for Ruling 9/25/00

★ (No Ruling was made about the
State being in Default) !!!!

③

→ "Objection To Subpoenaed Judge, Sibley Reynolds Hearing and Ruling on Petitioners' Rule 32 Petition / Objection to Judge using SUBPOENAED COURT REPORTER to Transcribe Proceedings" FILED 9/18/00

→ "Objection to Dill's Motion to Quash Subpoena / "Dill's APPEARANCE WAS NECESSARY TO CLEAR UP FALSE INFORMATION HE SUPPLIED FEDERAL DISTRICT COURT INVOLVING UNEXHAUSTED STATE REMEDIES THAT ARE IN DIRECT DISPUTE TO STATE PROSECUTOR, SUBPOENAED * SAM PARTRIDGE'S ALLEGATIONS OF EXHAUSTED STATE REMEDIES" FILED 9/18/00

NOTE: William D. Dill's false information concerning Petitioner's EXHAUSTION OF STATE REMEDIES GOT PETITIONER DISMISSED FROM 1st FEDERAL HABEAS !!!

* HIS TESTIMONY WAS CRUCIAL TO CONTRADICT STATE PROSECUTOR SAM PARTRIDGE'S TESTIMONY, + VICE VERSA.

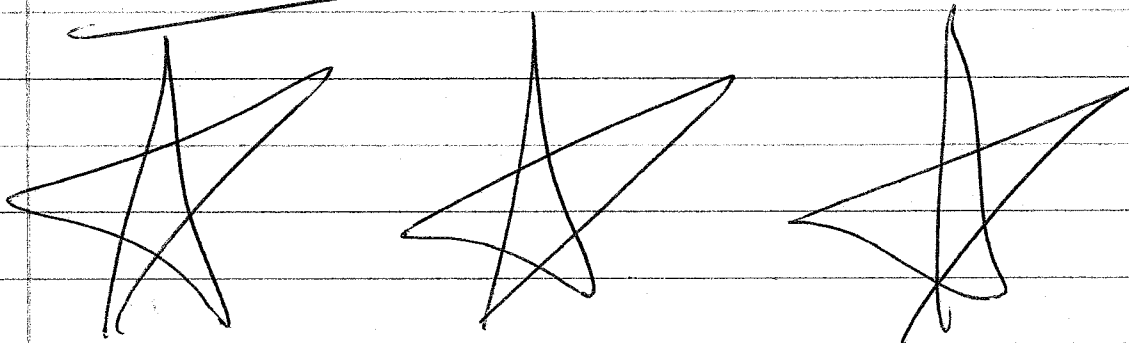
(4)

→ JUDGE REVIEWED OBJECTIONS + 10/19/00
TOOK NO ACTION

→ NOTICE OF APPEAL FILED 10/12/00
(This Notice was filed by Petitioner with
all Issues on it that next appointed
Attorney LEE SHULTZ failed
to Numerate & List on Appeal.

Therefore — ALL ISSUES NOT
APPEALED BY LEE SHULTZ were
PROCEDURALLY BARRED FROM THEN ON
BY FUTURE COURTS !!!!!

Ineffective Assistance
of Counsel



⑤

- MOTION FOR FINDING COURT SUBPOENAED WITNESSES WHO FAILED TO SHOW - IN CONTEMPT OF COURT
FILED 10/25/00
- Judge sets date to hear Motion FOR CONTEMPT 10/31/00
- Motion for ~~4th~~ Recusal of Judge Reynolds from ~~...~~ PRESIDING OVER CONTEMPT HEARING - filed between 10/31/00 + 11/27/00. (Not shown on Case Action Summary)
- Judges ^{4th} Refusal to Recuse is also not noted on Case Action Summary.
- Emergency Motion For Stay Of Proceedings filed 11/27/00
- Emergency Petition For WRIT OR MANDAMUS FILED IN COURT OF CRIMINAL APPEALS & DOCUMENTED IN ALABAMA COUNTY CIRCUIT COURT 11/27/00
- Judge sets Motions to be heard on: 12/4/00
12/13/00 ←
- Court of Criminal Appeals Made Order 12/15/00

★ ⑥

Reynolds Court Reporter files Request for Extension of Time to complete Rule 32 TRANSCRIPT, (THIS PREVENTED PETITIONER FROM HAVING TRANSCRIPT AT CONTEMPT HEARING) FILED — 12/7/00

→

JUDGE SIBLEY REYNOLDS files PERJURIOUS AFFIDAVIT TO Court of Criminal Appeals TO DEFEND HIS STAND FOR NOT RECUSING HIMSELF — FILED 12/8/00

★

(In this Affidavit, Reynolds gave a false explanation of Petitioner's Motion for his Recusal; Reynolds gave false information about his appointment to the CIVIL SUIT Petitioner's wife had in Circuit Court at the same time; Reynolds gave false information specifically relevant to his EX PARTE with Sheriff Herbie Johnson, which is an ISSUE in the 1st Rule 32; Herbie Johnson was ALSO 1 OF THE DEFENDANTS IN THE CONTEMPT HEARING (although Johnson was present in the Rule 32 Hearing, he was being "held in Contempt" for NOT SERVING SUBPOENA on TONY THOMAS, who was crucial in the whole case.)

→

Petitioner's Answer to Respondents Response FILED — 12/11/00

→

Judge Holds Contempt Hearing & Refuses to Find Witnesses not appearing in Court in Contempt 12/13/00
CALL individuals that work within the Court system.

Reynolds Recused himself FROM
 PETITIONERS CASE CONCERNING
 ANY FURTHER ACTION. Jan. 4, 2001
 AFTER HE DENIED EVERYTHING
TO PETITIONER !!!

Federal MIDDLE DISTRICT OF ALABAMA 2nd HABEAS

Petitioner was drawn through over 2 years
 of Motions, Rulings, Etc. in this
 Court, with the ending "Recommendation
 OF THE MAGISTRATE JUDGE" (Susan Russ
 Walker). filed January 17, 2003

(Page 4) Judge Susan Russ Walker's Recommendation
 purely acknowledged INEFFECTIVE
 ASSISTANCE OF COUNSEL AT THE HANDS
 OF COURT APPOINTED ATTORNEY, LBE SHULTZ
 QUOTE "The Petitioner's remaining claims of Ineffective
 Assistance of Counsel and his claim that the
 Indictment was Defective WERE NOT PROPERLY
RAISED ON APPEAL OF THE DENIAL OF HIS
RULE 32 PETITION... The claims were
NOT raised in the initial brief filed by appellate
Counsel."

(8)

⇒ Magistrate Judge Walker also stated,
 "Although the Petitioner raised these claims
 in a reply brief, the claims were not raised
 in the initial brief filed by Appellate Counsel.
 ... (An Appellate Court will not consider a
 prose appellate brief when an appellant
 has an attorney.)"

★★★ However, Judge Walker is wrong
 on this issue because Petitioner/
 Appellant FIRED his Attorney and filed
 his own reply brief.

★ NOTE: See FIRING LETTER, which
 was marked EXHIBIT # FOUR in
 2nd Rule 32 that Petitioner/Appellant
 is Appealing at this time, in this
 Middle District Court of Alabama.

★★★ Also, The Court is wrong that these
 issues were not filed, because the
 record reflects that RICKY MURPHREE,
 Petitioner, filed his own NOTICE OF
 APPEAL (before appointed an attorney), +
 it fully stated all the issues on Appeal.
 EXHIBIT ENCLOSED.

9

JUDGE MYRON THOMPSON UPHOLD MAGISTRATE
JUDGE SUSAN RUSS WALKER'S RECOMMENDATION.

★ PETITIONER APPEALED, JUDGE THOMPSON
DENIED HIS MOTION TO APPEAL,

PETITIONER REQUESTED CERTIFICATE OF
APPEALABILITY TO THE 11th CIRCUIT
OF APPEALS. IT WAS GRANTED

11th Circuit's final order was that
Petitioner had NOT EXHAUSTED ALL
STATE REMEDIES. However the
Record reflects that all 4 ISSUES
that the 11th Circuit granted a
Certificate of Appealability for,
WERE EXHAUSTED ON

DIRECT APPEAL IN 1998-
1999.

Ruby W. Murphy

10

Rule 32 Petitioner is filing
Appeal on September 14, 2007
IN MIDDLE DISTRICT OF ALABAMA

Documents pages
10-13
Pertain to 2nd
Rule 32 changed

Petitioner filed a 2nd Rule 32 (in timely fashion - one year from last ruling in the 11th Circuit Court of Appeals). This Rule 32 raised 2 issues.

1) Ineffective Assistance of Counsel by Lee Shultz.

2) Newly Discovered Facts, that Petitioner WAS Denied Right to SELF REPRESENTATION!!

4 EXHIBITS were filed.

→ ONE: Notice of Appeal

(This is the document Petitioner filed Pro Se when he was between attorneys. Kimberly Griffin had withdrawn from case, and Lee Shultz had not been appointed yet.)

Notice of Appeal listed ALL ISSUES THAT were being raised on Appeal. Several issues Lee Shultz DID NOT ADDRESS.

→ TWO: "Magistrate Federal Judge, Susan Russ Walker's RECOMMENDATION, pages 4 + 5.

(11)

→ EXHIBIT THREE: "Letter from Lee Shultz"
 This was the letter wherein Ms Shultz saw no reason to to Attorney General's Amicus. - WHEREFORE she was FIRED and Petitioner filed his OWN Reply Brief - which was not accepted throughout the Court.

★ NOTE: This non-acceptance of Petitioner's reply brief was not discovered UNTIL he was in Federal Court on his 2nd Habeas.
 Therefore ★ NEWLY DISCOVERED
FACT !!!!

(This Newly Discovered fact was then brought before the Antigua County Circuit Court in a 2nd Rule 32 WITHIN ONE YEAR of last ruling in the 2nd FEDERAL HABEAS +

IN A TIMELY FASHION +
ACCORDING TO THE RULES OF
PROCEDURE !!!

(12)

★ Please Note that EXHIBIT 3 walked out of the Courthouse files, and Petitioner filed the proper motion to Supplement the Record with the same exact Exhibit (copy).

This motion was denied by Judge Ben Fuller,

→ Another 2nd Motion was then directed to the Court of Criminal Appeals to Supplement the Record with re-entering a copy of EXHIBIT 3 Lee Shultz's letter showing Ineffectiveness.

However, Bucky McMillan denied this motion also.

→ EXHIBIT FOUR: FIRING LETTER OF LEE SHULTZ.

★ THERE IS NO QUESTION THAT PETITIONER WAS CLEARLY REPRESENTING HIMSELF AT TIME OF FILING HIS OWN REPLY BRIEF !!

(13)

APPEAL WAS FILED - BY PETITIONER

BRIEF FILED BY APPELLEE 9/15/05

REPLY BRIEF FILED BY PETITIONER 9/19/05

MEMORANDUM ENTERED BY SUEBELL
COBB ON 4/21/2006

APPLICATION FOR REHEARING filed 5/4/2006

Application Overruled 5/12/2006

PETITION FOR WRIT OF CERTIORARI 5/25/2006

DENIAL OF WRIT + CLOSE OF RULE 32 09/15/2006

PETITIONER HAS BEEN

PROCEDURALLY BARRED Repetitiously

SINCE 1998 - although filings

have been on time

Denial of DUE PROCESS!!

Ricky W. Murphy

JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 1998 000124.60

RUN DATE: 05/11/2000

JUDGE: S-R

EXHIBIT h.

THE CIRCUIT COURT OF AUTAUGA

STATE OF ALABAMA

VS

MURPHY, RICKY
1981 AMBER ROSE DRIVE*Case Action
Summary*

CASE: CC 1998 000124.60

PRATTVILLE, AL 36067 0000

DOB: 04/10/1955 SEX: M RACE: W HT: 5 11 WT: 200
SSN: 418785178 ALIAS NAMES:*Pertains to
Rule 32 #1*CHARGE01: RULE 32-FELONY
OFFENSE DATE:CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
AGENCY/OFFICER:DATE WAR/CAP ISS:
DATE INDICTED:
DATE RELEASED:
BOND AMOUNT:DATE ARRESTED:
DATE FILED: 04/26/2000
DATE HEARING:
SURETIES:

\$1.00

DATE 1: DESC:
DATE 2: DESC:TIME: 0000
TIME: 0000

TRACKING NOS:

DEF/ATY: *Kimberly Griffin*
*Lee Schultz on Appeal*TYPE: *Appt.*

TYPE:

00000

PROSECUTOR: PARTRIDGE SAMUEL SCOTT

OTH CSE: 00000000000000000000 CHK/TICKET NO:
COURT REPORTER: SID NO: 0000000000
DEF STATUS: BOND DEMAND: OPER: DEM

TRANS DATE ACTIONS, JUDGEMENTS, AND NOTES

OPE

4/26/00	Petition for Relief from Conviction or Sentence filed (Denied Preliminary Hearing, Judge's Colloquoy Not Compliant, Conviction Obtained by Coercion, Unethical Behavior Between Sheriff & Judge, False and Slanderous Charge on Record, Denial of Effective Assistance of Counsel, Equal Protection of the Law Denied, Defective Indictment, Newly Discovered Facts)
4/26/00	Motion for Judge Reynolds to Recuse Himself filed
5-12-00	<i>Motion for Judge Reynolds to Recuse - denied (SR)</i>
5-12-00	<i>Copy to Def't's wife</i>
5-16-00	<i>Copy to DA</i>
5/30/00	Affidavit of Substantial Hardship filed
5/30/00	Motion to Reconsider Judge's Refusal to Recuse Himself: Judicial Canon of Ethics Involved: Canons, Two, Three and Seven
6-6-00	<i>Motion to reconsider refusal to recuse - denied (SR)</i>
6-6-00	<i>Copy to Def't's wife & DA</i>

69

A L

EXHIBIT #32

INFORMATION CENTER

ACTION SUMMARY
CONTINUATIONCASE: CC 1998 000124.60
JUDGE ID: S-R

STATE OF ALABAMA

VS

MURPHREE RICKY

DATE

ACTION, JUDGMENTS, CASE NOTES

Page 2

6-12-00	Order Granting Affidavit of Substantial Hardship
6-13-00	Copy of CAS to Deft.
6-21-00	Motion To Request Court-Appointed Attorney filed
6-21-00	Motion For Judgment Of Default Against Respondents filed
6-22-00	Rule 32 Petition and Motion for Judgment by Default is all set for hearing at 9:00 on 9-12-00 (SR)
6-26-00	Copy to Deft's wife
6-28-00	Copy to DA
6-28-00	Motion to Appoint Counsel for Rule 32 Petition - denied (SR)
6-29-00	Copy to Deft + DA
7-5-00	Motion to Reconsider Denial of Court-Appointed Counsel to Indigent Rule 32 Petitioner filed
8/7/00	Motion for Judge's Determination as to the Protection of Indigent Petitioner's Rights in Hearing According to Alabama Rules of Criminal Procedure Determination is Required filed
8/7/00	Subpoenas requested by deft filed
8/14/00	State's Answer filed
8/16/00	Objection To Undated State's Answer By Sam Partridge filed
8/24/00	Court Appoints Hon. Kim Griffin to represent Ricky Murphree in this pending Rule 32 Petition (SR)
8-24-00	Copy of Rule 32 file to Griffin
8-24-00	Copy of CAS to DA + Deft
9-8-00	Motion to Quash filed
9-12-00	Petition for Rule 32 hearing held, on record. Chrl motion for Judge Reynolds to recuse, denied, issue taken under advisement (SR)
9-12-00	Copy to DA + Deft
9-14-00	Order on Rule 32 Petition filed
9-14-00	Copy to Partridge, Griffin, Deft
9-22-00	Request for Ruling filed
9-25-00	Request for Ruling on default - denied (SR)
9/18/00	Objection to Subpoenaed Judge, Sibley Reynolds, Hearing and Ruling on Petitioner's Rule 32 Petition / Objection to

0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATION

CASE: CC 1993 000124.60
JUDGE ID: S-R

STATE OF ALABAMA		VS	MURPHREE RICKY
DATE		Page 3	
		ACTION, JUDGMENTS, CASE NOTES	
		Judge Using His Subpoenaed Court Reporter to Transcribe Proceeding filed	
9/18/00		Objection to Dill's Motion to Quash Subpoena / Dill's Appearance was Necessary to Clear up False Information He Supplied Federal District Court Involving Unexhausted State Remedie that are in Direct Dispute to State Prosecutor, Subpoenaed Sam Partridge's Allegations of Exhausted State Remedies filed	
9-25-00		Attorney's Fee Declaration filed	
10-19-00		Court reviewed two objections filed 9-18-00 - No action necessary, no action taken SD	
10/12/00		Notice of Appeal filed	
10/13/00		Court of Criminal Appeals Docketing Statement filed	
10/13/00		Reporter's Transcript Order--Criminal filed	
10/18/00		Notice of Appeal to the Alabama Court of Criminal Appeals by the Trial Court Clerk	
10/20/00		Motion to Withdraw filed	
10/20/00		Order filed - Motion to Withdraw Granted	
10/24/00		Copy to Partridge, Griffin, Deft	
10/25/00		Motion for Finding of Contempt filed (Indv fail to comply with subpoena)	
10/25/00		Motion for Finding of Contempt filed (Sheriff)	
10/25/00		Motion for Finding of Contempt filed (Dill)	
10-30-00		Motion for Court-Appointed Attorney on Appeal filed	
10-31-00		Motions for Contempt set 12-13-00 @ 9:00 am SD	

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 1998 000124.60
JUDGE ID: S-R

STATE OF ALABAMA VS MURPHREE RICKY

DATE ACTION, JUDGMENTS, CASE NOTES

Page 4

11-17-00 | Copy to Partridge, Shultz, Deft

11/27/00 | Emergency Motion for Stay of Proceedings filed

11/27/00 | Copy of Emergency Petition for Writ of Mandamus filed

11/27/00 | Copy of Emergency Petition for Writ of Error filed

11/28/00 | Motion for Stay of Proceedings filed

12-4-00 | *Motions as filed all set 12-13-00 (S)*

12/5/00 | Order from Court of Criminal Appeals - 2

12/8/00 | Affidavit filed (Judge Reynolds)

12/7/00 | Request for Local Extension of Time to Complete the Reporter's
Transcript / Trial Court Action filed (12/8 Copy to CCA)

12/11/00 | Petitioner's Answer to Respondent's Response filed

12-13-00 | *Case called on Petition for Contempt - argument heard, statements heard,
Upon hearing the argument, Court does not find contempt for the
witnesses not appearing at the Rule 32 hearing. Case dismissed (S)*12-15-00 | *Copy to Deft, DA*

12-14-00 | Order from Court of Criminal Appeals filed

12-18-00 | Emergency Petition for Writ of Mandamus / Appeal

De Nova from the Court of Criminal Appeals of Alabama filed

12-28-00 | Written Notice of Appeal filed (Contempt Hearing)

12-28-00 | Court of Criminal Appeals Docketing Statement filed

12-28-00 | Reporter's Transcript Order -- Criminal filed

1-4-01 | *I hereby reserve myself from any further action in this case (S)*

1-11-01 | Transcript mailed to CCA

1/11/01 | Notice of Appeal to the Alabama Court of Criminal Appeals by
the Trial Court Clerk (Motion for Contempt Hearing)

1/23/01 | Certificate of Dismissal filed (Motion for Contempt Hearing)

2/8/01 | Order from Supreme Court filed

2/15/01 | Order & Copy of Motion from Court of Criminal Appeals filed

3/28/01 | Order on Motion to Correct Record on Appeal filed

3/29/01 | Copy to CCA, AG, Atty

5-18-01 | Memorandum Received

DUPLICATE

Court Name: U S DISTRICT COURT - AL/M
Division: 2
Receipt Number: 4602000441
Cashier ID: brobinso
Transaction Date: 09/14/2007
Payer Name: DEBBIE MURPHREE

WRIT OF HABEAS CORPUS
For: RICKY WADE MURPHREE
Case/Party: D-ALM-2-07-CV-000832-001
Amount: \$5.00

CASH
Amt Tendered: \$5.00

Total Due: \$5.00
Total Tendered: \$5.00
Change Amt: \$0.00